



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2902

Introduced 1/20/2006, by Sen. Chris Lauzen

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-3.3
750 ILCS 5/714
750 ILCS 16/33
750 ILCS 45/14.5

Amends the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support Punishment Act, and the Illinois Parentage Act of 1984. Requires telecommunications carriers and home service providers providing mobile telecommunications services to supply location information concerning putative fathers and noncustodial parents to public offices or the Child and Spouse Support Unit of the Department of Healthcare and Family Services for the purpose of establishing paternity or establishing, enforcing, or modifying a child support obligation. Effective immediately.

LRB094 18524 AJ0 54491 b

1 AN ACT concerning paternity and support.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 10-3.3 as follows:

6 (305 ILCS 5/10-3.3)

7 Sec. 10-3.3. Locating support obligor and others;
8 penalties.

9 (a) Upon request by the Child and Spouse Support Unit,
10 employers, labor unions, ~~and~~ telephone companies,
11 telecommunications carriers, and "home service providers"
12 providing mobile telecommunications services, as defined in
13 the Mobile Telecommunications Sourcing Conformity Act, shall
14 provide location information concerning putative fathers and
15 noncustodial parents for the purpose of establishing a child's
16 paternity or establishing, enforcing, or modifying a child
17 support obligation. In this Section, "location information"
18 means information about (i) the physical whereabouts of a
19 putative father or noncustodial parent, (ii) the putative
20 father or noncustodial parent's employer, or (iii) the salary,
21 wages, and other compensation paid and the health insurance
22 coverage provided to the putative father or noncustodial parent
23 by the employer of the putative father or noncustodial parent
24 or by a labor union of which the putative father or
25 noncustodial parent is a member.

26 An employer, labor union, ~~or~~ telephone company,
27 telecommunications carrier, or "home service provider"
28 providing mobile telecommunications services shall respond to
29 the request of the Child and Spouse Support Unit within 15 days
30 after receiving the request. Any employer, labor union, ~~or~~
31 telephone company, telecommunications carrier, or "home
32 service provider" providing mobile telecommunications services

1 that willfully fails to fully respond within the 15-day period
2 shall be subject to a penalty of \$100 for each day that the
3 response is not provided to the Illinois Department after the
4 15-day period has expired. The penalty may be collected in a
5 civil action, which may be brought against the employer, labor
6 union, ~~or~~ telephone company, telecommunications carrier, or
7 "home service provider" providing mobile telecommunications
8 services in favor of the Illinois Department.

9 (b) Upon being served with an administrative subpoena as
10 authorized under this Code, a utility company or cable
11 television company must provide location information to the
12 Child and Spouse Support Unit for the purpose of establishing a
13 child's paternity or establishing, enforcing, or modifying a
14 child support obligation.

15 (c) Notwithstanding the provisions of any other State or
16 local law to the contrary, an employer, labor union, telephone
17 company, telecommunications carrier, "home service provider"
18 providing mobile telecommunications services, utility company,
19 or cable television company shall not be liable to any person
20 for disclosure of location information under the requirements
21 of this Section, except for willful and wanton misconduct.

22 (Source: P.A. 93-116, eff. 7-10-03.)

23 Section 10. The Illinois Marriage and Dissolution of
24 Marriage Act is amended by changing Section 714 as follows:

25 (750 ILCS 5/714)

26 Sec. 714. Information to locate putative fathers and
27 noncustodial parents.

28 (a) Upon request by a public office, employers, labor
29 unions, ~~and~~ telephone companies, telecommunications carriers,
30 and "home service providers" providing mobile
31 telecommunications services, as defined in the Mobile
32 Telecommunications Sourcing Conformity Act, shall provide
33 location information concerning putative fathers and
34 noncustodial parents for the purpose of establishing a child's

1 paternity or establishing, enforcing, or modifying a child
2 support obligation. The term "public office" is defined as set
3 forth in the Income Withholding for Support Act. In this
4 Section, "location information" means information about (i)
5 the physical whereabouts of a putative father or noncustodial
6 parent, (ii) the employer of the putative father or
7 noncustodial parent, or (iii) the salary, wages, and other
8 compensation paid and the health insurance coverage provided to
9 the putative father or noncustodial parent by the employer of
10 the putative father or noncustodial parent or by a labor union
11 of which the putative father or noncustodial parent is a
12 member. An employer, labor union, ~~or~~ telephone company,
13 telecommunications carrier, or "home service provider"
14 providing mobile telecommunications services shall respond to
15 the request of the public office within 15 days after receiving
16 the request. Any employer, labor union, ~~or~~ telephone company,
17 telecommunications carrier, or "home service provider"
18 providing mobile telecommunications services that willfully
19 fails to fully respond within the 15-day period shall be
20 subject to a penalty of \$100 for each day that the response is
21 not provided to the public office after the 15-day period has
22 expired. The penalty may be collected in a civil action, which
23 may be brought against the employer, labor union, ~~or~~ telephone
24 company, telecommunications carrier, or "home service
25 provider" providing mobile telecommunications services in favor
26 of the public office.

27 (b) Upon being served with a subpoena (including an
28 administrative subpoena as authorized by law), a utility
29 company or cable television company must provide location
30 information to a public office for the purpose of establishing
31 a child's paternity or establishing, enforcing, or modifying a
32 child support obligation.

33 (c) Notwithstanding the provisions of any other State or
34 local law to the contrary, an employer, labor union, telephone
35 company, telecommunications carrier, "home service provider"
36 providing mobile telecommunications services, utility company,

1 or cable television company shall not be liable to any person
2 for disclosure of location information under the requirements
3 of this Section, except for willful and wanton misconduct.

4 (Source: P.A. 93-116, eff. 7-10-03.)

5 Section 15. The Non-Support Punishment Act is amended by
6 changing Section 33 as follows:

7 (750 ILCS 16/33)

8 Sec. 33. Information to locate putative fathers and
9 noncustodial parents.

10 (a) Upon request by a public office, employers, labor
11 unions, ~~and~~ telephone companies, telecommunications carriers,
12 and "home service providers" providing mobile
13 telecommunications services, as defined in the Mobile
14 Telecommunications Sourcing Conformity Act, shall provide
15 location information concerning putative fathers and
16 noncustodial parents for the purpose of establishing a child's
17 paternity or establishing, enforcing, or modifying a child
18 support obligation. The term "public office" is defined as set
19 forth in the Income Withholding for Support Act. In this
20 Section, "location information" means information about (i)
21 the physical whereabouts of a putative father or noncustodial
22 parent, (ii) the employer of the putative father or
23 noncustodial parent, or (iii) the salary, wages, and other
24 compensation paid and the health insurance coverage provided to
25 the putative father or noncustodial parent by the employer of
26 the putative father or noncustodial parent or by a labor union
27 of which the putative father or noncustodial parent is a
28 member. An employer, labor union, ~~or~~ telephone company,
29 telecommunications carrier, or "home service provider"
30 providing mobile telecommunications services shall respond to
31 the request of the public office within 15 days after receiving
32 the request. Any employer, labor union, ~~or~~ telephone company,
33 telecommunications carrier, or "home service provider"
34 providing mobile telecommunications services that willfully

1 fails to fully respond within the 15-day period shall be
2 subject to a penalty of \$100 for each day that the response is
3 not provided to the public office after the 15-day period has
4 expired. The penalty may be collected in a civil action, which
5 may be brought against the employer, labor union, ~~or~~ telephone
6 company, telecommunications carrier, or "home service
7 provider" providing mobile telecommunications services in
8 favor of the public office.

9 (b) Upon being served with a subpoena (including an
10 administrative subpoena as authorized by law), a utility
11 company or cable television company must provide location
12 information to a public office for the purpose of establishing
13 a child's paternity or establishing, enforcing, or modifying a
14 child support obligation.

15 (c) Notwithstanding the provisions of any other State or
16 local law to the contrary, an employer, labor union, telephone
17 company, telecommunications carrier, "home service provider"
18 providing mobile telecommunications services, utility company,
19 or cable television company shall not be liable to any person
20 for disclosure of location information under the requirements
21 of this Section, except for willful and wanton misconduct.

22 (Source: P.A. 93-116, eff. 7-10-03.)

23 Section 20. the Illinois Parentage Act of 1984 is amended
24 by changing Section 14.5 as follows:

25 (750 ILCS 45/14.5)

26 Sec. 14.5. Information to locate putative fathers and
27 noncustodial parents.

28 (a) Upon request by a public office, employers, labor
29 unions, ~~and~~ telephone companies, telecommunications carriers,
30 and "home service providers" providing mobile
31 telecommunications services, as defined in the Mobile
32 Telecommunications Sourcing Conformity Act, shall provide
33 location information concerning putative fathers and
34 noncustodial parents for the purpose of establishing a child's

1 paternity or establishing, enforcing, or modifying a child
2 support obligation. The term "public office" is defined as set
3 forth in the Income Withholding for Support Act. In this
4 Section, "location information" means information about (i)
5 the physical whereabouts of a putative father or noncustodial
6 parent, (ii) the employer of the putative father or
7 noncustodial parent, or (iii) the salary, wages, and other
8 compensation paid and the health insurance coverage provided to
9 the putative father or noncustodial parent by the employer of
10 the putative father or noncustodial parent or by a labor union
11 of which the putative father or noncustodial parent is a
12 member. An employer, labor union, ~~or~~ telephone company,
13 telecommunications carrier, or "home service provider"
14 providing mobile telecommunications services shall respond to
15 the request of the public office within 15 days after receiving
16 the request. Any employer, labor union, ~~or~~ telephone company,
17 telecommunications carrier, or "home service provider"
18 providing mobile telecommunications services that willfully
19 fails to fully respond within the 15-day period shall be
20 subject to a penalty of \$100 for each day that the response is
21 not provided to the public office after the 15-day period has
22 expired. The penalty may be collected in a civil action, which
23 may be brought against the employer, labor union, ~~or~~ telephone
24 company, telecommunications carrier, or "home service
25 provider" providing mobile telecommunications services in
26 favor of the public office.

27 (b) Upon being served with a subpoena (including an
28 administrative subpoena as authorized by law), a utility
29 company or cable television company must provide location
30 information to a public office for the purpose of establishing
31 a child's paternity or establishing, enforcing, or modifying a
32 child support obligation.

33 (c) Notwithstanding the provisions of any other State or
34 local law to the contrary, an employer, labor union, telephone
35 company, telecommunications carrier, "home service provider"
36 providing mobile telecommunications services, utility company,

1 or cable television company shall not be liable to any person
2 for disclosure of location information under the requirements
3 of this Section, except for willful and wanton misconduct.

4 (Source: P.A. 93-116, eff. 7-10-03.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.